

Remarks

Claims 1-11 are pending in the application. Claim 1, 2, 6, 7 and 10 have been rejected. Claims 3-5, 8, 9 and 11 were objected to.

Claim rejections

Section 102

Claims 1, 2, 6, 7 and 10 were rejected under 35 USC 102(b) as being anticipated by Mizuno et al. (US 6,387,558) ("Mizuno"). The Applicant respectfully traverses. Mizuno does not support the asserted rejection for at least the reason that Mizuno does not disclose a bypass that connects an upstream-side stage of a gas passage of a separator to a downstream-side stage of the gas passage, as recited in independent claim 1, or a bypass that connects a most upstream-side turnaround portion of a gas passage of a separator to a most downstream-side turnaround portion of the gas passage as recited in independent claim 6.

The Examiner points to FIG. 2 and elements 50-52 of Mizuno as corresponding to the claimed bypass. However, elements 50-52 are holes forming a fuel gas supply manifold extending through the interior of a fuel cell stack, i.e., the holes 50-52 connect one cell to another. See Mizuno at col. 7, lines 40-42. The claimed bypass, in contrast, is in a gas passage of a separator.

In a separator according to the present invention, a **gradient of concentration** in cells is decreased by providing a bypass within the cells. By contrast, the object in Mizuno is to decrease a **gradient of flow amount**. Mizuno's structure and the claimed invention are therefore completely different.

Independent claims 1 and 6 are therefore allowable over Mizuno. Claims 2, 7 and 10 are likewise allowable over Mizuno for at least the reason that they depend on one of claims 1 and 6. Withdrawal of the rejection of claims 1, 2, 6, 7 and 10 as anticipated by Mizuno is therefore respectfully requested.

Claim objections

Claims 3-5, 8, 9 and 11 were objected to as being dependent on a rejected base claim. Since claims 1 and 6 are allowable as discussed above, withdrawal of the objection is respectfully requested.

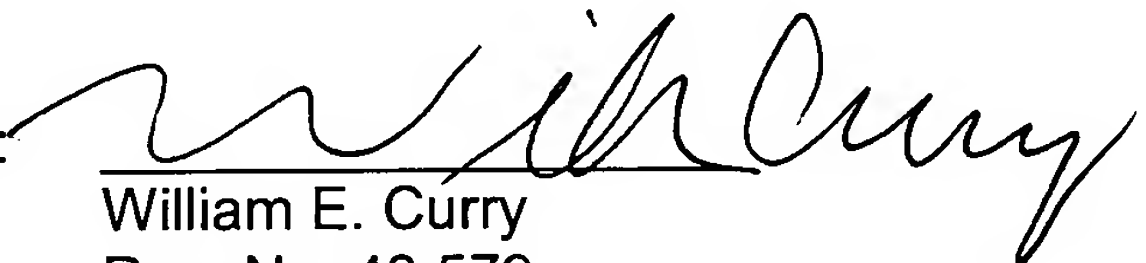
Conclusion

In light of the above discussion, Applicant respectfully submits that the present application is in all aspects in allowable condition, and earnestly solicits favorable reconsideration and early issuance of a Notice of Allowance.

The Examiner is invited to contact the undersigned at (202) 220-4323 to discuss any matter concerning this application. The Office is authorized to charge any fees related to this communication to Deposit Account No. 11-0600.

Respectfully submitted,

Dated: DEC. 2, 2005

By:   
William E. Curry  
Reg. No. 43,572

KENYON & KENYON  
1500 K Street, N.W., Suite 700  
Washington, D.C. 20005  
Tel: (202) 220-4200  
Fax: (202) 220-4201